

RECEIVED
CENTRAL FAX CENTER

VIA FACSIMILE
571-273-8300

APR 16 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of) Docket No. 259.US
Birkus et al.)
Serial No: 10/511,183) Art Unit 1648
Filed: February 23, 2005)
Title: METHOD AND COMPOSITIONS FOR) Examiner: Unassigned
IDENTIFYING ANTI-HIV THERAPEUTIC)
COMPOUNDS)

REQUEST FOR CORRECTED FILING RECEIPT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir/Madam:

Applicant hereby requests correction of the Filing Receipt dated September 6, 2006 (marked-up copy attached) in connection with the above-identified application. Please correct the seventh inventor's first name listed incorrectly as "Gon-Xi He." The inventor's name should read – Gong-Xin He –. A copy of the Combined Declaration and Power of Attorney is enclosed noting the inventor's correctly spelled name.

Applicant would appreciate correction of the above-identified error and that a new "corrected" filing receipt be sent.

Respectfully submitted,

Date: 4/16/07

By Allan N. Kutzenco
Allan N. Kutzenco, Reg. No.: 38,945

Gilead Sciences, Inc.
333 Lakeside Drive
Foster City, CA 94404
Phone: (650) 522-6101
Fax: (650) 522-5575



UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED SEP 26 2006

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPL NO.	FILING OR 371 (C) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/511,183	02/23/2005	1648	3078	259.US		70	8

Gilead Sciences I
 333 Lakeside Drive
 Foster City, CA 94404

CONFIRMATION NO. 1944
 CORRECTED FILING RECEIPT

 OC000000020324610

Date Mailed: 09/06/2006

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Gabriel Birkus, Foster City, CA;
 James M Chen, San Ramon, CA;
 Xiaowu Chen, San Mateo, CA;
 Tomas Cihlar, Foster City, CA;
 Eugene J Eisenberg, San Carlos, CA;
 Marcos Hatada, Fremont, CA;
Gong Gen-Xin He, Fremont, CA;
 Choung U Kim, San Carlos, CA;
 William A Lee, Los Altos, CA;
 Martin J McDermott, Redwood City, CA;
 Sundaramoorthi Swaminathan, Burlingame, CA;

Power of Attorney:

Mark Bosse--35071

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/US03/12943 04/25/2003
 which claims benefit of 60/375,665 04/26/2002
 and claims benefit of 60/375,834 04/26/2002
 and claims benefit of 60/375,779 04/26/2002
 and claims benefit of 60/375,622 04/26/2002

Foreign Applications

If Required, Foreign Filing License Granted: 01/11/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/511,183

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Method and compositions for identifying anti-hiv therapeutic compounds

Preliminary Class

435

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process simplifies the filing of patent applications on the same invention in member countries, but does not result in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

FEB 28 2005

COMBINED DECLARATION AND POWER OF ATTORNEY
FOR TRADEMARK OR UTILITY PATENT APPLICATION

Docket No. 259.US

AS A BELOW-NAMED INVENTOR, I HEREBY DECLARE THAT:

My residence, post office address and citizenship are as stated below next to my name.

I BELIEVE I AM THE ORIGINAL, FIRST AND SOLE INVENTOR (if only one name is listed below), OR AN ORIGINAL, FIRST AND JOINT INVENTOR (if more than one name is listed below) OF THE SUBJECT MATTER WHICH IS CLAIMED AND FOR WHICH A PATENT IS SOUGHT ON THE INVENTION

Entitled: Method and Compositions for Identifying Anti-HIV Therapeutic Compounds

the specification of which:

(check one) _____ is attached hereto:

 was filed on October 14, 2004 asApplication Serial No. 10/511,183and was amended on _____
(if applicable)

I HAVE REVIEWED AND UNDERSTAND THE CONTENTS OF THE ABOVE-IDENTIFIED SPECIFICATION, INCLUDING THE CLAIMS, AS AMENDED BY ANY AMENDMENT REFERRED TO ABOVE.

I acknowledge and understand that I am an individual who has a duty to disclose information which is material to the patentability of the claims of this application in accordance with Title 37, Code of Federal Regulations, §§ 1.56(a) and (b) which state:

"(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

COPY

COMBINED DECLARATION AND
POWER OF ATTORNEY

Docket No. 259.US

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application; and

- (1) It establishes, by itself or in combination with other information, a *prima facie* case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A *prima facie* case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish an contrary conclusion of patentability."

CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S)
(34 U.S.C. § 119(e))

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

60/375,622	filed	April 26, 2002
60/375,779	filed	April 26, 2002
60/375,834	filed	April 26, 2002
60/375,665	filed	April 26, 2002

I do not know and do not believe this invention was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to said application. This invention was not in public use or on sale in the United States of America more than one year prior to this application. This invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on any application filed by me or my legal representatives or assigns more than twelve months prior to this application.

I hereby appoint the following attorneys and agents to prosecute said application and to transact all business in the Patent and Trademark Office connected therewith and to file, to prosecute and to transact all business in connection with all patent applications directed to said invention:

Mark L. Bosse - Reg. No. 35,071
William Schmonsees - Reg. No. 31,796
James J. Wong - Reg. No. 34,949

and: _____

Address all correspondence to: GILEAD SCIENCES, INC.
333 Lakeside Drive
Foster City, California 94404

Address all telephone calls to: James J. Wong at 650-522-5823

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of First Inventor
Gabriel Birkus

Signature

Date

11/11/04

Residence

737 Catamaran St., #4, Foster City, California 94404

Citizenship

COPY

Post Office Address same as above		
Full Name of Second Inventor James M. Chen	Signature <i>James M. Chen</i>	Date Nov. 9 2004
Residence 4015 Marblehead Drive, San Ramon, California 94583	Citizenship United States of America	
Post Office Address same as above		
Full Name of Third Inventor Xiaowu Chen	Signature <i>Xiaowu Chen</i>	Date Nov. 9, 2004
Residence 377 Laurie Meadows Drive, Apt. 319, San Mateo, California 94403	Citizenship United States of America	
Post Office Address same as above		
Full Name of Fourth Inventor Tomas Cihlar	Signature <i>Tomas Cihlar</i>	Date Nov 10, 2004
Residence 740 Chebec Lane, Foster City, California 94404	Citizenship Czech Republic	
Post Office Address same as above		
Full Name of Fifth Inventor Eugene J. Eisenberg	Signature <i>Eugene J. Eisenberg</i>	Date Nov. 10, 2004
Residence 236 Club Drive, San Carlos, California 94070	Citizenship United States of America	
Post Office Address same as above		
Full Name of Sixth Inventor Marcos Hatada	Signature <i>Marcos Hatada</i>	Date Nov 10, 2004
Residence 2000 Walnut Avenue, Apt. G302, Fremont, California 94538	Citizenship United States of America	
Post Office Address same as above		
Full Name of Seventh Inventor Gong-Xin He	Signature <i>Gong-Xin He</i>	Date Nov. 9, 2004
Residence 5436 Ontario Common, Fremont, California 94555	Citizenship Peoples Republic of China	
Post Office Address same as above		
Full Name of Eighth Inventor Choung U. Kim	Signature <i>Choung U. Kim</i>	Date Nov. 11, 2004
Residence 1750 Elizabeth Street, San Carlos, California 94070	Citizenship United States of America	
Post Office Address same as above		
Full Name of Ninth Inventor William A. Lee	Signature <i>William A. Lee</i>	Date Nov 11, 2004
Residence 749 Anderson Drive, Los Altos, California 94024	Citizenship United States of America	
Post Office Address same as above		
Full Name of Tenth Inventor Martin J. McDermott	Signature <i>Martin J. McDermott</i>	Date Nov. 9, 2004
Residence 710 Bair Island Road, Suite 202, Redwood City, California 94063	Citizenship United States of America	
Post Office Address same as above		

COPY

